

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

VICTOR ROSARIO,

Plaintiff,

v.

Lowell Police Officers HAROLD G.
WATERHOUSE, JOHN GUILFOYLE, GARRETT
SHEEHAN, JOHN R. NEWELL, GEORGE H.
GENTLE, JOSEPH M. McGARRY, LARRY B.
McGLASSON, WILFRED DOW, JOHN R. MYERS,
and UNKNOWN OFFICERS OF THE LOWELL
POLICE DEPARTMENT; WILLIAM M.
GILLIGAN and UNKNOWN MEMBERS OF THE
LOWELL FIRE DEPARTMENT; Massachusetts
State Police Officer DAVID A. COONAN, and
UNKNOWN OFFICERS OF THE
MASSACHUSETTS STATE POLICE; and the CITY
OF LOWELL,

Defendant,

C.A. 19-CV-10532-LTS

JOINT STATUS REPORT

The parties submit the following joint status report as requested in the Status Conference held on September 21, 2022.

1. Defendants submit that they need expert depositions to be completed before summary judgment motions are filed.
2. Plaintiff disagrees that expert depositions are necessary for any summary judgment filings.

Plaintiff notes that he tendered his expert designations in February 2022, but Defendants did not request dates for depositions until August 2022. Plaintiff is eager to have this litigation completed in an expeditious manner.

3. Defendants initially requested available deposition dates for each expert from Plaintiff's counsel on August 5, 2022.
4. Plaintiff's counsel responded on August 8, 2022 with dates for four of the experts, most of which fell in late October or mid to late November. Plaintiff's counsel indicated that one expert had not yet provided dates.
5. Following the parties' status conference on September 21, 2022, Plaintiff's counsel provided updated deposition date availability to the Defendants, indicating dates for four of the five experts ranging from late October to early December. The fifth expert has not yet provided dates.
6. Defendants have filed motions *pro hac vice* to enable outside counsel to take the depositions of the experts.
7. Based on the dates provided, and presuming the fifth expert is available for a deposition on or before the beginning of December, the parties would propose a summary judgment filing deadline of December 31, 2022, with opposition due by February 15, 2023 and reply by March 15, 2023.

Respectfully submitted,

Attorneys for Plaintiff

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Defendant City of Lowell

By its counsel,
/s/ *Kerry R. Jenness*
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October 5, 2022

CERTIFICATE OF SERVICE

I certify that on October 5, 2022, I filed a copy of this document through the Electronic Case Filing System for filing and electronic service to the registered participants as identified on the Notice of Electronic Filing.

/s/ *Kerry R. Jenness*
Kerry R. Jenness
First Assistant City Solicitor